

**From:** [Samy Khalil](#)  
**To:** [Kosmidis, John \(CRM\)](#); [Josh Schaffer](#); [Remis, Aleza \(CRM\)](#); [McCarthy, Brandon N.](#); [Jim E. Lavine](#)  
**Cc:** [dcogdell@joneswalker.com](#); [Riley, Rachel](#); ["Brent Newton"](#); [Raut, Katherine \(CRM\)](#); [Ahmed, Ridwan \(CRM\)](#); [Helfmeyer, Devon \(CRM\)](#); [nnorris@joneswalker.com](#)  
**Subject:** [EXTERNAL] RE: US v. Swiencinski - Privilege Waiver Emails  
**Date:** Wednesday, August 24, 2022 3:56:50 PM

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Hi John,

It looks like I've been copied on this email chain. As company counsel for Pharms, I have no objection.

Thank you,



**Samy Khalil**  
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**From:** Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>  
**Sent:** Wednesday, August 24, 2022 2:31 PM  
**To:** Josh Schaffer <josh@joshschafferlaw.com>; Remis, Aleza (CRM) <Aleza.Remis@usdoj.gov>; McCarthy, Brandon N. <brandon.mccarthy@katten.com>; Jim E. Lavine <jim.lavine@zlzslaw.com>  
**Cc:** dcogdell@joneswalker.com; Riley, Rachel <rachel.riley@katten.com>; 'Brent Newton' <BNewton@ghmfirm.com>; Raut, Katherine (CRM) <Katherine.Raut@usdoj.gov>; Ahmed, Ridwan (CRM) <Ridwan.Ahmed@usdoj.gov>; Helfmeyer, Devon (CRM) <Devon.Helfmeyer@usdoj.gov>; Samy Khalil <samy@khalil.law>; nnorris@joneswalker.com  
**Subject:** RE: US v. Swiencinski - Privilege Waiver Emails

Thank you, Josh.

As you know, Mario Nguyen is no longer on this matter, having left the Department for a clerkship, so I will be handling the filter release of this material.

To confirm two things:

1. I will release to the prosecution team and co-defendants the material identified in the final privilege log, transmitted to Mario and co-defendants on May 6, 2022 and attached again here for your reference.
2. You reference that Defendants consent to the release – I want to confirm that corporate counsel also has no objection.

Thank you in advance.

-John

John Kosmidis  
Special Matters Unit, Fraud Section  
1400 New York Avenue, NW  
Washington, D.C. 20005  
Office: (202) 353-9871  
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**From:** Josh Schaffer <[josh@joshschafferlaw.com](mailto:josh@joshschafferlaw.com)>  
**Sent:** Tuesday, August 23, 2022 10:39 PM  
**To:** Remis, Aleza (CRM) <[Aleza.Remis@usdoj.gov](mailto:Aleza.Remis@usdoj.gov)>; McCarthy, Brandon N. <[brandon.mccarthy@katten.com](mailto:brandon.mccarthy@katten.com)>; Jim E. Lavine <[jim.lavine@zlzslaw.com](mailto:jim.lavine@zlzslaw.com)>  
**Cc:** [dcogdell@joneswalker.com](mailto:dcogdell@joneswalker.com); Riley, Rachel <[rachel.riley@katten.com](mailto:rachel.riley@katten.com)>; 'Brent Newton' <[BNewton@ghmfirm.com](mailto:BNewton@ghmfirm.com)>; Raut, Katherine (CRM) <[Katherine.Raut@usdoj.gov](mailto:Katherine.Raut@usdoj.gov)>; Ahmed, Ridwan (CRM) <[Ridwan.Ahmed@usdoj.gov](mailto:Ridwan.Ahmed@usdoj.gov)>; Helfmeyer, Devon (CRM) <[Devon.Helfmeyer@usdoj.gov](mailto:Devon.Helfmeyer@usdoj.gov)>; Kosmidis, John (CRM) <[John.Kosmidis@usdoj.gov](mailto:John.Kosmidis@usdoj.gov)>; [samy@khalil.law](mailto:samy@khalil.law); [nnorris@joneswalker.com](mailto:nnorris@joneswalker.com)  
**Subject:** [EXTERNAL] Re: US v. Swiencinski - Privilege Waiver Emails

Aleza,

I confirm by this email that Breimeister and Swiencinski waive any assertion of attorney-client privilege previously made regarding the emails in the possession of the filter team. On behalf of both defendants, we consent to the filter team releasing those previously withheld materials to the trial team. We understand that the discovery of those materials at this date may impact your ability to produce all of your exhibits to us by this Friday. As we discussed, all parties will aim to be reasonable about amending and supplementing their exhibit lists leading up to trial.

Please don't hesitate to contact me with any questions or if you need to discuss this matter.

Sincerely,

Josh Schaffer  
1021 Main, Suite 1440  
Houston, Texas 77002  
(713) 951-9555  
(713) 951-9854 (fax)  
[josh@joshschafferlaw.com](mailto:josh@joshschafferlaw.com)  
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**From:** Remis, Aleza (CRM) <[Aleza.Remis@usdoj.gov](mailto:Aleza.Remis@usdoj.gov)>  
**Sent:** Tuesday, August 23, 2022 5:00 PM  
**To:** Josh Schaffer <[josh@joshschafferlaw.com](mailto:josh@joshschafferlaw.com)>; McCarthy, Brandon N. <[brandon.mccarthy@katten.com](mailto:brandon.mccarthy@katten.com)>; Jim E. Lavine <[jim.lavine@zlzslaw.com](mailto:jim.lavine@zlzslaw.com)>  
**Cc:** [dcogdell@joneswalker.com](mailto:dcogdell@joneswalker.com) <[dcogdell@joneswalker.com](mailto:dcogdell@joneswalker.com)>; Riley, Rachel

<[rachel.riley@katten.com](mailto:rachel.riley@katten.com)>; 'Brent Newton' <[BNewton@ghmfirm.com](mailto:BNewton@ghmfirm.com)>; Raut, Katherine (CRM) <[Katherine.Raut@usdoj.gov](mailto:Katherine.Raut@usdoj.gov)>; Ahmed, Ridwan (CRM) <[Ridwan.Ahmed@usdoj.gov](mailto:Ridwan.Ahmed@usdoj.gov)>; Helfmeyer, Devon (CRM) <[Devon.Helfmeyer@usdoj.gov](mailto:Devon.Helfmeyer@usdoj.gov)>; Kosmidis, John (CRM) <[John.Kosmidis@usdoj.gov](mailto:John.Kosmidis@usdoj.gov)>; [samy@khalil.law](mailto:samy@khalil.law) <[samy@khalil.law](mailto:samy@khalil.law)>

**Subject:** US v. Swiencinski - Privilege Waiver Emails

Josh,

Following up on our phone call, you let us know that you intended to waive privilege as to the e-mails that had previously not been released to the prosecution team following the filter protocol.

Please confirm in writing what privilege is being waived and on behalf of whom.

Additionally, as a result of your waiver, I am confirming that the filter team will produce the remaining documents to (1) the prosecution team, and (2) the other remaining defendants (Christopher Ince and Ronnie McAda), as well as Colleen Kennedy.

As I mentioned on the phone, we will work as quickly as we can to provide any exhibits that may come from the materials that are to be released, but it is my understanding that we may not have access to those materials until after Friday's deadline.

Best,

Aleza

**Aleza Remis**

Assistant Deputy Chief  
Health Care Fraud Unit  
Fraud Section, Criminal Division  
U.S. Department of Justice  
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